

SENATE AMENDMENTS

2nd Printing

By: Paddie

H.B. No. 3557

A BILL TO BE ENTITLED

AN ACT

relating to civil and criminal liability for engaging in certain
conduct involving a critical infrastructure facility; creating
criminal offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Critical
Infrastructure Protection Act.

SECTION 2. Subtitle B, Title 4, Government Code, is amended
by adding Chapter 424 to read as follows:

CHAPTER 424. PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 424.001. DEFINITION. In this chapter, "critical
infrastructure facility" has the meaning assigned by Section
423.0045(a)(1-a) and also includes:

(1) any pipeline transporting oil or gas or the
products or constituents of oil or gas; and

(2) a facility or pipeline described by this section
that is under construction and all equipment and appurtenances used
during that construction.

SUBCHAPTER B. CRIMINAL LIABILITY

Sec. 424.051. OFFENSE: DAMAGE TO CRITICAL INFRASTRUCTURE
FACILITY. (a) A person commits an offense if, without the
effective consent of the owner, the person enters or remains on or
in a critical infrastructure facility and intentionally or

1 knowingly destroys the facility or impairs or interrupts the
2 operation of the facility.

3 (b) An offense under this section is a felony of the third
4 degree.

5 (c) If conduct constituting an offense under this section
6 also constitutes an offense under another law, the actor may be
7 prosecuted under this section, the other law, or both.

8 Sec. 424.052. OFFENSE: INTENT TO DAMAGE CRITICAL
9 INFRASTRUCTURE FACILITY. (a) A person commits an offense if,
10 without the effective consent of the owner, the person enters or
11 remains on or in a critical infrastructure facility with the intent
12 to destroy the facility or impair or interrupt the operation of the
13 facility.

14 (b) An offense under this section is a state jail felony.

15 (c) If conduct constituting an offense under this section
16 also constitutes an offense under another law, the actor may be
17 prosecuted under this section, the other law, or both.

18 Sec. 424.053. PUNISHMENT FOR CORPORATIONS AND
19 ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court
20 shall sentence a corporation or association adjudged guilty of an
21 offense under this subchapter to pay a fine not to exceed \$500,000.

22 Sec. 424.054. RESTITUTION. If a defendant is convicted of
23 an offense under this subchapter and the offense results in damage
24 to or destruction of property, a court may, in accordance with
25 Article 42.037, Code of Criminal Procedure, order the defendant to
26 make restitution to the owner of the damaged or destroyed property,
27 or the owner's designee, in an amount equal to the value of the

1 property on the date of the damage or destruction.

2 SUBCHAPTER C. CIVIL LIABILITY

3 Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL
4 INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct
5 constituting an offense under Section 424.051 or 424.052 is liable
6 to the property owner, as provided by this subchapter, for damages
7 arising from that conduct.

8 (b) It is not a defense to liability under this section that
9 a defendant has been acquitted or has not been prosecuted or
10 convicted under Section 424.051 or 424.052, or has been convicted
11 of a different offense or of a different type or class of offense,
12 for the conduct that is alleged to give rise to liability under this
13 section.

14 Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to
15 any liability under Section 424.101, an organization that, acting
16 through an officer, director, or other person serving in a
17 managerial capacity, knowingly compensates a person for engaging in
18 conduct occurring on the premises of a critical infrastructure
19 facility is liable to the property owner, as provided by this
20 subchapter, for damages arising from the conduct if the conduct
21 constituted an offense under Section 424.051 or 424.052.

22 Sec. 424.103. DAMAGES. (a) A claimant who prevails in a
23 suit under this subchapter shall be awarded:

24 (1) actual damages; and

25 (2) court costs.

26 (b) In addition to an award under Subsection (a), a claimant
27 who prevails in a suit under this subchapter may recover exemplary

1 damages.

2 Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of
3 action created by this subchapter is cumulative of any other remedy
4 provided by common law or statute.

5 Sec. 424.105. NONAPPLICABILITY. The following provisions
6 of the Civil Practice and Remedies Code do not apply to a cause of
7 action arising under this subchapter:

8 (1) Chapter 27; and

9 (2) Section 41.008.

10 SECTION 3. Section 423.0045(a)(1), Government Code, as
11 amended by Chapters 824 (H.B. 1643) and 1010 (H.B. 1424), Acts of
12 the 85th Legislature, Regular Session, 2017, is reenacted to read
13 as follows:

14 (1) "Correctional facility" means:

15 (A) a confinement facility operated by or under
16 contract with any division of the Texas Department of Criminal
17 Justice;

18 (B) a municipal or county jail;

19 (C) a confinement facility operated by or under
20 contract with the Federal Bureau of Prisons; or

21 (D) a secure correctional facility or secure
22 detention facility, as defined by Section 51.02, Family Code.

23 SECTION 4. Section 423.0045(a)(1-a), Government Code, as
24 added by Chapter 1010 (H.B. 1424), Acts of the 85th Legislature,
25 Regular Session, 2017, is reenacted to conform to the changes made
26 to Section 423.0045(a)(1), Government Code, by Chapter 824 (H.B.
27 1643), Acts of the 85th Legislature, Regular Session, 2017, to read

1 as follows:

2 (1-a) "Critical infrastructure facility" means:

3 (A) one of the following, if completely enclosed
4 by a fence or other physical barrier that is obviously designed to
5 exclude intruders, or if clearly marked with a sign or signs that
6 are posted on the property, are reasonably likely to come to the
7 attention of intruders, and indicate that entry is forbidden:

8 (i) a petroleum or alumina refinery;

9 (ii) an electrical power generating
10 facility, substation, switching station, or electrical control
11 center;

12 (iii) a chemical, polymer, or rubber
13 manufacturing facility;

14 (iv) a water intake structure, water
15 treatment facility, wastewater treatment plant, or pump station;

16 (v) a natural gas compressor station;

17 (vi) a liquid natural gas terminal or
18 storage facility;

19 (vii) a telecommunications central
20 switching office or any structure used as part of a system to
21 provide wired or wireless telecommunications services;

22 (viii) a port, railroad switching yard,
23 trucking terminal, or other freight transportation facility;

24 (ix) a gas processing plant, including a
25 plant used in the processing, treatment, or fractionation of
26 natural gas;

27 (x) a transmission facility used by a

1 federally licensed radio or television station;

2 (xi) a steelmaking facility that uses an
3 electric arc furnace to make steel;

4 (xii) a dam that is classified as a high
5 hazard by the Texas Commission on Environmental Quality; or

6 (xiii) a concentrated animal feeding
7 operation, as defined by Section 26.048, Water Code; or

8 (B) if enclosed by a fence or other physical
9 barrier obviously designed to exclude intruders:

10 (i) any portion of an aboveground oil, gas,
11 or chemical pipeline;

12 (ii) an oil or gas drilling site;

13 (iii) a group of tanks used to store crude
14 oil, such as a tank battery;

15 (iv) an oil, gas, or chemical production
16 facility;

17 (v) an oil or gas wellhead; or

18 (vi) any oil and gas facility that has an
19 active flare.

20 SECTION 5. The change in law made by this Act in adding
21 Subchapter C, Chapter 424, Government Code, applies only to a cause
22 of action that accrues on or after the effective date of this Act. A
23 cause of action that accrues before the effective date of this Act
24 is governed by the law in effect immediately before that date, and
25 that law is continued in effect for that purpose.

26 SECTION 6. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

H.B. No. 3557

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

Letay Spaw
Secretary of the Senate

By: *Simon Sidwell*

H.B. No. 3557

Substitute the following for __.B. No. ____:

By: *Simon Sidwell*

C.S.__.B. No. ____

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SUBCHAPTER A. GENERAL PROVISIONS

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infrastructure facility" has the meaning assigned by Section
423.0045(a)(1-a) and also includes:

(1) any pipeline transporting oil or gas or the
products or constituents of oil or gas; and

(2) a facility or pipeline described by this section
that is under construction and all equipment and appurtenances used
during that construction.

SUBCHAPTER B. CRIMINAL LIABILITY

Sec. 424.051. OFFENSE: DAMAGING OR DESTROYING CRITICAL
INFRASTRUCTURE FACILITY. (a) A person commits an offense if,
without the effective consent of the owner, the person enters or
remains on or in a critical infrastructure facility and

1 intentionally or knowingly damages or destroys the facility or
2 impairs or interrupts the operation of the facility.

3 (b) An offense under this section is a felony of the third
4 degree.

5 (c) If conduct constituting an offense under this section
6 also constitutes an offense under another law, the actor may be
7 prosecuted under this section, the other law, or both.

8 Sec. 424.052. OFFENSE: INTENT TO DAMAGE OR DESTROY
9 CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an offense
10 if, without the effective consent of the owner, the person enters or
11 remains on or in a critical infrastructure facility with the intent
12 to damage or destroy the facility or impair or interrupt the
13 operation of the facility.

14 (b) An offense under this section is a state jail felony.

15 (c) If conduct constituting an offense under this section
16 also constitutes an offense under another law, the actor may be
17 prosecuted under this section, the other law, or both.

18 Sec. 424.053. PUNISHMENT FOR CORPORATIONS AND
19 ASSOCIATIONS. Notwithstanding Section 12.51, Penal Code, a court
20 shall sentence a corporation or association adjudged guilty of an
21 offense under this subchapter to pay a fine not to exceed \$500,000.

22 Sec. 424.054. RESTITUTION. If a defendant is convicted of
23 an offense under this subchapter and the offense results in damage
24 to or destruction of property, a court may, in accordance with
25 Article 42.037, Code of Criminal Procedure, order the defendant to
26 make restitution to the owner of the damaged or destroyed property,
27 or the owner's designee, in an amount equal to the value of the

1 property on the date of the damage or destruction.

2 SUBCHAPTER C. CIVIL LIABILITY

3 Sec. 424.101. CIVIL LIABILITY FOR DAMAGE TO CRITICAL
4 INFRASTRUCTURE FACILITY. (a) A defendant who engages in conduct
5 constituting an offense under Section 424.051 or 424.052 is liable
6 to the property owner, as provided by this subchapter, for damages
7 arising from that conduct.

8 (b) It is not a defense to liability under this section that
9 a defendant has been acquitted or has not been prosecuted or
10 convicted under Section 424.051 or 424.052, or has been convicted
11 of a different offense or of a different type or class of offense,
12 for the conduct that is alleged to give rise to liability under this
13 section.

14 Sec. 424.102. CERTAIN ADDITIONAL LIABILITY. In addition to
15 any liability under Section 424.101, an organization that, acting
16 through an officer, director, or other person serving in a
17 managerial capacity, knowingly compensates a person for engaging in
18 conduct occurring on the premises of a critical infrastructure
19 facility is liable to the property owner, as provided by this
20 subchapter, for damages arising from the conduct if the conduct
21 constituted an offense under Section 424.051 or 424.052.

22 Sec. 424.103. DAMAGES. (a) A claimant who prevails in a
23 suit under this subchapter shall be awarded:

24 (1) actual damages; and

25 (2) court costs.

26 (b) In addition to an award under Subsection (a), a claimant
27 who prevails in a suit under this subchapter may recover exemplary

1 damages.

2 Sec. 424.104. CAUSE OF ACTION CUMULATIVE. The cause of
3 action created by this subchapter is cumulative of any other remedy
4 provided by common law or statute.

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7 action arising under this subchapter:

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6 are posted on the property, are reasonably likely to come to the
7 attention of intruders, and indicate that entry is forbidden:

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9 (ii) an electrical power generating
10 facility, substation, switching station, or electrical control
11 center;

12 (iii) a chemical, polymer, or rubber
13 manufacturing facility;

14 (iv) a water intake structure, water
15 treatment facility, wastewater treatment plant, or pump station;

16 (v) a natural gas compressor station;

17 (vi) a liquid natural gas terminal or
18 storage facility;

19 (vii) a telecommunications central
20 switching office or any structure used as part of a system to
21 provide wired or wireless telecommunications services;

22 (viii) a port, railroad switching yard,
23 trucking terminal, or other freight transportation facility;

24 (ix) a gas processing plant, including a
25 plant used in the processing, treatment, or fractionation of
26 natural gas;

27 (x) a transmission facility used by a

1 federally licensed radio or television station;

2 (xi) a steelmaking facility that uses an
3 electric arc furnace to make steel;

4 (xii) a dam that is classified as a high
5 hazard by the Texas Commission on Environmental Quality; or

6 (xiii) a concentrated animal feeding
7 operation, as defined by Section 26.048, Water Code; or

8 (B) if enclosed by a fence or other physical
9 barrier obviously designed to exclude intruders:

10 (i) any portion of an aboveground oil, gas,
11 or chemical pipeline;

12 (ii) an oil or gas drilling site;

13 (iii) a group of tanks used to store crude
14 oil, such as a tank battery;

15 (iv) an oil, gas, or chemical production
16 facility;

17 (v) an oil or gas wellhead; or

18 (vi) any oil and gas facility that has an
19 active flare.

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22 of action that accrues on or after the effective date of this Act. A
23 cause of action that accrues before the effective date of this Act
24 is governed by the law in effect immediately before that date, and
25 that law is continued in effect for that purpose.

26 SECTION 6. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

FLOOR AMENDMENT NO. 1

BY:

Letty Spaw
Secretary of the Senate

J. J. Hincj

Amend C.S.H.B. No. 3557 (senate committee printing) in
SECTION 2 of the bill as follows:

(1) In added Section 424.051(a), Government Code (page 1,
lines 46 and 47), strike "or impairs or interrupts the operation
of the facility".

(2) In added Subchapter B, Chapter 424, Government Code
(page 1, between lines 52 and 53), insert the following:

Sec. 424.052. OFFENSE: IMPAIRING OR INTERRUPTING OPERATION
OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person commits an
offense if, without the effective consent of the owner, the person
enters or remains on or in a critical infrastructure facility and
intentionally or knowingly impairs or interrupts the operation of
the facility.

(b) An offense under this section is a misdemeanor
punishable by a fine not to exceed \$10,000 or confinement in jail
for a term not to exceed one year, or both the fine and confinement.

(c) If conduct constituting an offense under this section
also constitutes an offense under another law, the actor may be
prosecuted under this section, the other law, or both.

(3) In added Subchapter B, Chapter 424, Government Code
(page 1, line 53), strike "424.052" and substitute "424.053".

(4) In added Section 424.052(a), Government Code (page 1,
lines 57 and 58), strike "or impair or interrupt the operation of
the facility".

(5) In added Subchapter B, Chapter 424, Government Code
(page 2, between lines 2 and 3), insert the following:

Sec. 424.054. OFFENSE: INTENT TO IMPAIR OR INTERRUPT
OPERATION OF CRITICAL INFRASTRUCTURE FACILITY. (a) A person
commits an offense if, without the effective consent of the owner,

1 the person enters or remains on or in a critical infrastructure
2 facility with the intent to impair or interrupt the operation of
3 the facility.

4 (b) An offense under this section is a Class A misdemeanor.

5 (c) If conduct constituting an offense under this section
6 also constitutes an offense under another law, the actor may be
7 prosecuted under this section, the other law, or both.

8 (6) In added Subchapter B, Chapter 424, Government Code
9 (page 2, line 3), strike "424.053" and substitute "424.055".

10 (7) In added Subchapter B, Chapter 424, Government Code
11 (page 2, line 7), strike "424.054" and substitute "424.056".

12 (8) In added Section 424.101(a), Government Code (page 2,
13 line 17), strike "424.051 or 424.052" and substitute "424.051,
14 424.052, 424.053, or 424.054".

15 (9) In added Section 424.101(b), Government Code (page 2,
16 line 22), strike "424.051 or 424.052" and substitute "424.051,
17 424.052, 424.053, or 424.054".

18 (10) In added Section 424.102, Government Code (page 2, line
19 33), strike "424.051 or 424.052" and substitute "424.051, 424.052,
20 424.053, or 424.054".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Passed 2nd House**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages or destroys a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

The bill would create a criminal misdemeanor offense, punishable by a fine not to exceed \$10,000 or confinement in jail not to exceed one year, for a person who knowingly impairs or interrupts the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a Class A misdemeanor.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated. The Office of Court Administration does not anticipate a significant impact to the state court system.

Local Government Impact

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice, 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SPa, SZ, MW, DA, SLE, LM, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 2nd House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages or destroys a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated. The Office of Court Administration does not anticipate a significant impact to the state court system.

Local Government Impact

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 696 Department of Criminal Justice,
212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SPa, SZ, MW, DA, SLE, LM, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Engrossed**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. Additional information is available in the Criminal Justice Impact Statement.

According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated. The Office of Court Administration does not anticipate a significant impact to the state court system.

Local Government Impact

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: WP, SZ, MW, DA, SLE, LM, SPa, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 1st House, Substituted**

The probable fiscal impact of implementing the bill is indeterminate due to the lack of data or information available on the number of times a person damaged, intended to damage, or tried to interfere with the operations of a critical infrastructure facility. These data are necessary to estimate the fiscal impact of the bill's provisions.

The bill would amend the Government Code to create a criminal offense punishable as a second degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative fiscal impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant fiscal impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. The Office of Court Administration does not anticipate a significant impact to the state court system. According to the Comptroller on Public Accounts, the fiscal impact to the state cannot be estimated.

Local Government Impact

According to the Office of Court Administration, no significant fiscal implication to the local court system is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
 Comptroller of Public Accounts, 696 Department of Criminal Justice

LBB Staff: WP, SLE, MW, DA, LM, SPa, LCO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 21, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil liability for engaging in certain conduct involving a critical infrastructure facility.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to create a new cause of action for a person who engages in conduct that constitutes a criminal offense of criminal trespass of a critical infrastructure facility.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house or September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SLE, MW, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create criminal offenses for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility or impairs or interrupts the operation of the facility. The bill also creates criminal offenses if the person enters or remains on or in the facility with the intent to commit these actions. These offenses would be punishable as a misdemeanor or felony depending on the circumstances of the offense.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000. The misdemeanor specified in the bill is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$10,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed under community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

Source Agencies:

LBB Staff: WP, SPa, LM

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly damages or destroys the facility or impairs or interrupts facility operations. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement within state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed under community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

Source Agencies:

LBB Staff: WP, SPa, LM

LEGISLATIVE BUDGET BOARD**Austin, Texas****CRIMINAL JUSTICE IMPACT STATEMENT****86TH LEGISLATIVE REGULAR SESSION****May 14, 2019**

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (Relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a third degree felony for a person who, without the effective consent of the owner, enters or remains on or in a critical infrastructure facility and intentionally or knowingly destroys the facility or impairs or interrupts the facility operations. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A third degree felony is punishable by confinement in prison for a term from 2 to 10 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the number of people under felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility as defined by the bill. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed on community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

Source Agencies:

LBB Staff: WP, SPa, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB3557 by Paddie (relating to civil and criminal liability for engaging in certain conduct involving a critical infrastructure facility; creating criminal offenses.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Government Code to create a criminal offense punishable as a second degree felony for a person who, without the consent of the owner, intentionally or knowingly damages, destroys, vandalizes, defaces, or tampers with a critical infrastructure facility or who intentionally or knowingly impedes, inhibits, or interferes with the operation of a critical infrastructure facility. If the person enters or remains on or in the facility with the intent to commit these actions, the offense is punishable as a state jail felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and a state jail felony is punishable by confinement in a state jail for a term from 180 days to 2 years or Class A misdemeanor punishment. In addition to confinement, most felonies may be subject to an optional fine not to exceed \$10,000. A Class A misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating a criminal offense is expected to result in additional demands upon the correctional resources of counties or of the State due to longer terms of supervision in the community or longer terms of confinement in state correctional institutions. The bill may have a negative population impact by increasing the number of people on felony community supervision or incarcerated within state correctional institutions. Whether the bill would result in a significant population impact is indeterminate due to the lack of information on the number of times a person committed these actions against a critical infrastructure facility. In fiscal year 2018, for misdemeanor offenses related to criminal trespass and criminal mischief, 11,488 people were arrested and 1,605 were placed on community supervision. Data do not exist that would allow for criminal conduct for the facility types addressed in the bill's provisions to be identified from all other cases.

Source Agencies:

LBB Staff: WP, SPa, LM